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BBRS Energy Advisory Committee (EAC)

Chairman Meskus took roll call:

Layla D'Emilia, or designee*	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent
Patrick Woodcock, or designee**	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent
Zbigniew Wozn	<input type="checkbox"/> present	<input checked="" type="checkbox"/> absent
Tom Moberg	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent
Emily Paparella-Vice Chair	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent

Curtis Meskus-Chair	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent
John Anderson	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent
Jonathan Bruce	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent
Gabriel P. Stallions	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent

* *State District Building Inspector Adelle Reynolds participated as the designee for DPL Commissioner, Lyla D'Emilia.*

** *Ian Finlayson designee for DOER Commissioner Patrick Woodcock.*

August 3, 2020 Meeting Minutes
General notes on format of these minutes

- *These minutes represent general points of discussion by members and audience participants during the regular meeting session. The minutes are not intended to be a verbatim account of discussions.*
- *Votes are noted as **MOTION** by, seconded by, and whether it was a unanimous or split vote.*
- *Agenda topics as numbered may be in the same order as they appear on the meeting agenda.*
- *The meeting agenda is listed as **EXHIBIT A**; others are listed sequentially as addresses during the meeting.*

Regular Meeting Portion

Roll Call. Chairman Curtis Meskus opened the meeting about 10:00 am by taking roll call. Ian Finlayson, Adelle Reynolds, Tom Moberg, Emily Paparella, Curtis Meskus, John Anderson, Jonathan Bruce, Gabriel Stallions all identified themselves as present.

1. **Review/Vote** approval of the July 6, 2020 EAC meeting minutes. On a **MOTION** by Jonathan Bruce, seconded by Emily Paparella, it was a unanimous vote to approve as amended. Jonathan Bruce offered under discussion item 3 to add efficiency” 8th paragraph, on the second line change “results” to “requirement”, on the 3rd page 10th paragraph change “task” to “tasks” and on the second line change “about” to “with”. (**EXHIBIT B**). Roll Call: Adelle Reynolds, Tom Moberg, Emily Paparella, Curtis Meskus, Jonathan Bruce, Gabriel Stallions all voted in the affirmative. Ian Finlayson and John Anderson abstained.



2. **Discuss** Presentation by the author of Code Proposal Number 05-06-2020 – MA E-Z Code Chapter 115 -Appendix AA (**EXHIBIT C**). Chairman Meskus explained the BBRS voted not to adopt because EAC already working on a different net-zero proposal. The BBRS did forward code change proposal 05-06-2020 to the EAC for possible review and consideration. The BBRS did not include any tasks for EAC.

Julie Janiski, Principal at Buro Happold Engineering and Chris Shoffner presented a Power Point titled MA E-Z Stretch Code (**EXHIBIT D**). The presentation included Governor Baker's working to net-zero emissions by 2050, and most Massachusetts emissions come from buildings and transportation and a path to net-zero includes energy efficiency, electrification, and renewable energy. The EZ code includes a prescriptive path or a performance path, does not require energy modeling. The EZ Code is proposed for the Stretch Code, applicable to commercial buildings greater than 5,000 SF., and does not include single and two family structures and multiple single family structures and used group R-2, R-3, and R-4 buildings three stories or less in height above grade plane. The presenters also talked about the E-Z Code with respect to its feasibility and talked about the impact it has on costs related to some building code requirements.

Jonathan Bruce asked about the estimate cost if the breakeven cost 7%? Chris Shoffner thinks it will depend on the type of building and would likely depend on the renewable energy purchases.

Ian Finlayson expressed interest in the costs.

Chairman Meskus spoke about the four questions the BBRS tasks EAC to answer about the code change proposal 11-06-2019 and asked if the group thinks the E-Z Code helps answer these questions.

Daron Port spoke about the E-Z Code has the costs offset by the energy efficiencies.

Jonathan Bruce spoke about new construction which folks think is net-zero from renewable energy onsite. He asked if anyone knows whether there is enough renewable energy available? Ian Finlayson believes there is, and he believes there is an oversupply of renewable energy.

Jonathan Bruce expressed concern that renewable energy costs more.

Mark Sandeen from the Town of Lexington spoke about cost savings from solar can be used to offset the cost for renewable energy sources.

Representative Tommy Vitolo spoke about Massachusetts having an abundance of renewable energy available and that combustion energy sources onsite are not necessarily the most efficient. He thinks the building code including renewable energy requirements will not have a negative impact on utility companies.

3. Chairman Meskus moved to agenda item 3, discuss code change proposal 11-06-2019 which amends Appendix 115 AA and the four tasks the BBRs sent to EAC. He spoke about the recent Attorney General's response to the Town of Brookline bylaw which tried to regulate gas in buildings. The ruling include, by-law is preempted by the State Building Code, the by-law is preempted by the Gas Code and G.L. c. 142, §13 in that it creates a new reason to deny a gas permit, and the by-law is preempted by the Mass. Department of Public Utilities as the by-law has the effect of frustrating a uniform and efficient utility services to the public.

Ian Finlayson believes the AG opinion speaks to a city or town, acting on its own can't create a by-law the way the Town of Brookline did, but he thinks the BBRs can.

Attorney Charles Kilb explained that any suggestions the EAC makes to the BBRs which might be in question, given the AG's ruling on the Brookline by-law, can include a footnote about needing more clarification.

Jonathan Bruce spoke about clarifying the legal question that the 11-06-2019 proposal introduces which includes driving a renewable energy market. He also explained, if the cost to achieve what the proposal requires are less, than the requirements do not need to be in regulation because people will elect to do.

Attorney Charles Kilb was asked to give some legal perspective about the legal question. He talked about the EAC staying on 780 CMR issues is good for the BBRs when it deals with EAC recommendations. Regulating energy contracts would introduce something the BBRs has not regulated in the past but thinks the EAC can proceed.

Peter Ruiz, a HERS Rater spoke about the proposal removes the HERS Rater software from the process. Emily Paparella pointed out both proposals do not regulate residential structures. John Nunnari spoke about the proposal 11-06-2019 does not disallow using HERS Rater software and that commissioning processes for the building systems will work.

Jonathan Bruce expressed concerns about long term implications such as who is going to monitor the renewable energy contracts and for situations relying on energy credits for compliance with the building code, who is going to monitor that the credits stay current and what happens in situations when the credits don't stay current.

Darren Port spoke about the monitoring of credits and who would be charged with that responsibility remains unresolved between DOER and the municipality.

Emily Paparella spoke about each committee member come to next months meeting with their answer to each task; examine the feasibility, determine the cost impacts, consider legal implications of what the proposal requires, and Identify all the technical implications.

Chairman Meskus recognized Meredith Elbaum with the US Green Building Council who spoke about the Stretch Code requires modeling the building energy needs and the E-Z Code has prescriptive compliance paths which she believes cost less.

John Anderson spoke about his experiences following prescriptive paths has been more expensive than modeling the building energy systems.

Gabriel Stallions expressed concern about the type of energy modeling for high rise structures is different than small scale structures and can impact the renewable energy systems of adjacent structures (a roof solar system).

Chairman Meskus spoke about each committee member providing answers to each of the tasks; examine the feasibility, determine the cost impacts, consider legal implications of what the proposal requires, and identify all the technical implications. H asked that each committee member send their answers 1 week ahead of next months meeting.

4. **Adjourn.** On a **MOTION** by Jonathan Bruce, seconded by Adelle Reynolds, it was a unanimous vote to adjourn the regular meeting at about 12:00 pm. Adelle Reynolds, Tom Moberg, Curtis Meskus, John Anderson, Jonathan Bruce, Ian Finlayson, and Gabriel Stallions all voted in the affirmative.

EXHIBITS:

- A. Meeting Agenda
- B. Minutes for the July 6, 2020 Energy Advisory Committee (EAC) meeting as amended.
- C. Code Change Proposal 05-06-2020 – MA E-Z Code Chapter 115 -Appendix AA.
- D. Power Point MA E-Z Stretch Code.